

**DECLARATION
AND
POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DYNAMIC SYSTEM CONTROL METHOD

the specification of which

(check one)

X is attached hereto, and

_____ filed on _____

as Application Serial No. _____

_____ or Express Mail No. _____

and was amended on _____.

(if applicable)

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Paul Pysher	Reg. No. 40,780
David J. Powsner	Reg. No. 31,868
Sam Pasternack	Reg. No. 29,576
Brenda H. Jarrell	Reg. No. 39,223
Kevin M. Tormey	Reg. No. 41,351
Karoline K. M. Shair	Reg. No. P-44,332
Elizabeth E. Nugent	Reg. No. P-43,839

Send Correspondence to:

CHOATE, HALL & STEWART, Exchange Place, 53 State Street, Boston, MA 02109-2891

Direct Telephone Calls to: (name and telephone number)

Paul A. Pysher, Esq., Tel.: (617) 248-5000

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor	Neil Singer
Inventor's signature	
Date	
Residence of inventor	1 Quarter Mile Road, Armonk, NY 10504
Citizenship	USA
Post Office address (if different)	Same

Full name of inventor	Mark Tanquary
Inventor's signature	
Date	
Residence of inventor	131 Washington Avenue, Needham, MA 02192
Citizenship	USA
Post Office address (if different)	Same

Full name of inventor	Kenneth Pasch
Inventor's signature	
Date	
Residence of inventor	115 Brown Street, #3, Brookline, MA 02146
Citizenship	USA
Post Office address (if different)	Same

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Singer, *et al*

Serial No.:

Filed: March 4, 1999

For: DYNAMIC SYSTEM CONTROL METHOD

Assistant Commissioner of Patents

Washington, DC 20231

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

37 CFR 1.9(f) and 1.27(c)

SMALL BUSINESS CONCERN

I hereby declare that I am

() the owner of the small business concern identified below:
(X) an official empowered to act on behalf of the small business concern identified below:

NAME OF CONCERN: Convolve, Inc.

ADDRESS OF CONCERN: 132 Nassau Street, Suite 400, NY, NY 10038

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full time, part time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract of law have been conveyed to and remain with the small business concern identified above with regard to the invention titled:

TITLE: DYNAMIC SYSTEM CONTROL METHOD

by:

INVENTOR(S): Neil Singer

Mark Tanquary

Kenneth Pasch

0162095-0011-1

described in:

If the rights of the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention, averring to their status as small entities. (37 CFR 1.27).

FULL NAME: _____

ADDRESS: _____

INDIVIDUAL SMALL BUSINESS CONCERN NON-PROFIT ORGANIZATION

FULL NAME: _____

ADDRESS: _____

() INDIVIDUAL () SMALL BUSINESS CONCERN () NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Neil Singer

TITLE IN ORGANIZATION: President

ADDRESS OF PERSON SIGNING 132 Nassau Street, Suite 400, NY, NY 10038

SIGNATURE: _____ DATE: _____

A S S I G N M E N T

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned Neil Singer of Armonk, New York, Mark Tanquary of Needham, MA and Kenneth Pasch of Brookline, MA hereby

Sell, assign and transfer to Convolve, Inc., having a place of business at 132 Nassau Street, Suite 400, NY, NY 10038, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed _____, Serial No. _____, entitled "Dynamic System Control Method" and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us, and that full right to convey the same as herein expressed is possessed by us.

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 19____.

Neil Singer

STATE OF _____
SS.

COUNTY OF _____.

Before me this _____ day of _____, 19____, personally appeared **Neil Singer** known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 19____.

Mark Tanquary

STATE OF _____
SS.

COUNTY OF _____.

Before me this _____ day of _____, 19____, personally appeared **Mark Tanquary** known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,

this _____ day of _____, 19____.

Kenneth Pasch

STATE OF _____
SS.

COUNTY OF _____.

Before me this _____ day of _____, 19____, personally appeared **Kenneth Pasch** known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

DS1.467505